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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/669,234	09/25/2000	David Glanzman	Glanzman-Tent	4296

7590

03/08/2006

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EXAMINER

AFTERGUT, JEFF H

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/669,234

Applicant(s)

GLANZMAN, DAVID

Examiner

Jeff H. Aftergut

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12-13-05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over McGhee et al (newly cited) in view of Nakao.

McGhee suggested that it was known at the time the invention was made to repair a synthetic tent fabric by "taping seams and tears" in the fabric, see column 2, lines 1-10, claim 1. clearly, it was known at the time the invention was made to provide a means for taping a seam in the repair of a synthetic tent fabric. The applicant is additionally advised that the fabric being so repaired would have desirably been waterproof as such was a necessity of s tent fabric. The reference was silent as to the manner in which the fabric portions were tape seamed together.

Nakao suggested that it was known to tape a seam on a work surface wherein one aligned the seam with a welder path and selected a hot air welder for the welding operation. It should be noted that the reference to Nakao is being cited for the same reasons as previously presented in paragraph 7 of the Office action dated 6-14-05. the applicant is additionally advised that the reference suggested that one selected a tape which was of sufficient length to overlies the seam and that one actuated and oriented the hot air welder to emit a hot air jet and moved the hot air welder over the item along a welder path to effect a thermal welding of the tape to the item of fabric and aligned the tape along and substantially centered on the seam as the welder moved along the path where the tape is thermally welded to the fabric of the item. The reference to Nakao

Art Unit: 1733

suggested a suitable means for taping a seam or tear in an article of fabric. Additionally it should be noted that the reference to Nakao was directed to seams for a wet suit for example the type used in diving. Such a seamed material was clearly waterproof. It would have been obvious to one of ordinary skill in the art at the time the invention was made to repair a seam in a tent with a tape seaming operation as suggested by McGhee et al wherein the seaming operation was performed with a hot air sealing operation to render the repaired fabric waterproof as suggested by Nakao.

Response to Arguments

3. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

The applicant essentially argues that the claimed invention is at least novel in that it relates to the treatment of a synthetic tent, tarp or fabric weather barrier. The applicant is advised that the reference to Nakao clearly was concerned with the formation of a weatherproof seam (i.e. a wet suit would have been viewed as water proof subsequent to assembly). Additionally, the newly cited reference to McGhee et al clearly envisioned the use of tape seaming to repair a seam in a tent fabric formed from synthetic material.

Regarding the November 2000 memo and the long felt need resolution, the applicant is advised that the reference to McGhee suggested the repair of a tent with a tape seaming operation and thus the prior art of record taught or suggested a means to fill the long felt need. As the reference to Nakao was directed to tape seaming, it would

have been obvious to adapt the tape seaming techniques of Nakao for the tape seaming of a tent in accordance with the repair techniques suggested by McGhee.

Applicant is additionally advised that the evidence submitted appears to be directed solely to tent fabrics formed of polyester while the claimed invention is not so limited in scope. As such, the claims are not commensurate in scope with the arguments presented.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff H. Aftergut whose telephone number is 571-272-1212. The examiner can normally be reached on Monday-Friday 7:15-345 pm.

Art Unit: 1733

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jeff H. Aftergut
Primary Examiner
Art Unit 1733

JHA
March 6, 2006